

ORDINANCE 19-08

**RESCISSION OF ORDINANCE 139-06 AS IT PERTAINS TO AMENDMENTS TO
THE FUTURE LAND USE MAP & SUBSEQUENT REZONE
(REQUEST 06-08 SHAW FAMILY LLC)**

AN ORDINANCE rescinding portions of Ordinance 139-06 as it relates to amendments to the Future Land Use Map as shown in Chapter IV (Land Use) of the Mason County Comprehensive Plan and Rezone Request 06-08 (Shaw Family LLC).

WHEREAS, Ordinance 139-06 (Attachment "A") granted a request for rezone (Request 06-08 - Shaw family LLC) of parcel 61918-10-00000 from Long Term Commercial Forest Lands to Inholding Lands; and

WHEREAS, the Western Washington Growth Management Hearings Board (WWGMHB) determined the rezone changed the Future Land Use Map (as shown in Chapter IV (Land Use)) Resource Lands designation from Long Term Commercial Forest to Inholding Lands on parcel 61918-10-00000; and

WHEREAS, Ordinance 139-06 was appealed, in part, to the WWGMHB with respect to the adoption of a Future Land Use Map amendment changing the designation of a parcel of property from Long Term Commercial Forest to Inholding Lands; and

WHEREAS, the Washington State Growth Management Act (RCW 37.70A.130) requires each county, including Mason County, to take legislative action to review and revise its comprehensive plan and development regulations to ensure that the plan and regulations continue to comply with the requirements of the Act; and

WHEREAS, the Final Decision and Order (Case No. 07-2-0006) of the WWGMHB found the amendment to the Comprehensive Plan adopted in Ordinance 139-06 which changed the Long Term Commercial Forest designation of the Show Family LLC property to Inholding Lands failed to address the requirements of Comprehensive Plan policies RE-205(c) and RE-206 and therefore failed to comply with the consistency requirement of RCW 36.70A.070; and

WHEREAS, the WWGMHB Final Order was appealed to the Superior Court of Washington (Case No. 07-2-00860-1) by the Shaw Family LLC as it relates to the non compliance of Ordinance 139-06 which changes the Long Term Commercial Forest designation of the Show Family LLC property to Inholding Lands; and

WHEREAS, should the Superior Court, Division II Court of Appeals or the Washington State Supreme Court find that the WWGMHB Final Order was erroneous in its determination of non compliance with respect to the Ordinance 139-06, this Ordinance shall be reversed and Ordinance 139-06 shall be instated; and

NOW, THEREFORE, BE IT HEREBY ORDAINED, the Mason County Board of Commissioners hereby rescinds that portion of Ordinance 139-06 which changed the Long Term Commercial Forest Designation of the Shaw Family LLC property (parcel 61918-10-00000)

to Inholding Lands and the concurrent rezone of that property (06-08). However, the Board of Commissioners shall retain jurisdiction of this matter to implement subsequent determinations relating to WWGMHB, Case No. 07-2-0006, and appeals thereof.


Dated this 5th day of February, 2008.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

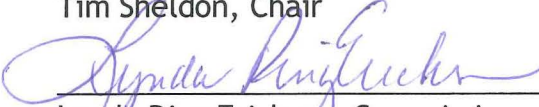
ATTEST:



Rebecca S. Rogers, Clerk of the Board

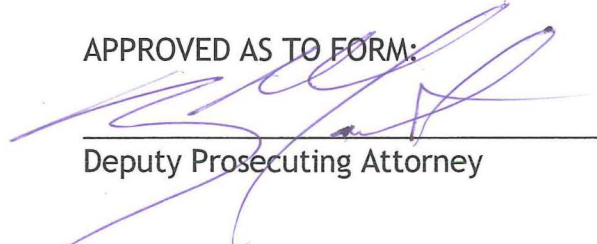


Tim Sheldon, Chair



Lynda Ring Erickson, Commissioner

APPROVED AS TO FORM:



Deputy Prosecuting Attorney



Ross Gallagher, Commissioner

ATTACHMENT "A"

ORDINANCE NUMBER 139- 06

AMENDMENTS TO THE MASON COUNTY COMPREHENSIVE PLAN AND MASON COUNTY PARKS AND RECREATION COMPREHENSIVE PLAN

AN ORDINANCE amending the Mason County Comprehensive Plan and development standards, which include Comprehensive Plan Chapter III-7 Water Resources Policies, Chapter VI Capital Facilities Element, and the Future Land Use Map as shown in Chapter IV Land Use (decision to approve the change in designation request by the Shaw Family LLC); and the revised Mason County Parks and Recreation Comprehensive Plan, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Washington State Growth Management Act (RCW 36.70A.130) requires each county, including Mason County, to take legislative action to review and revise its comprehensive plan and development regulations to ensure that the plan and regulations continue to comply with the requirements of the Act; and

WHEREAS, Mason County accomplished this compliance review and revision by preparing a public participation plan (adopted in March 2006) to be completed by Mason County by December 31, 2006; and

WHEREAS, as part of the public review process in workshops and public hearings before the Mason County Planning Advisory Commission and the Mason County Board of Commissioners, the Department of Community Development has prepared changes to the Comprehensive Plan Chapters, as well as, the new Mason County Parks and Recreation Comprehensive Plan; and

WHEREAS, from September to December 2006, the Mason County Planning Advisory Commission discussed proposed changes and additions to the Comprehensive Plan, and the Planning Advisory Commission members evaluated and passed motions to recommend approval of these proposed changes and additions; and

WHEREAS, the Mason County Board of Commissioners held public hearings about the proposed changes and additions on December 12, 19, and 27, 2006, to consider the recommendations of the Planning Advisory Commission, and the testimony and letters of the Mason County Department of Community Development and Mason County citizens on the proposed revisions to the Mason County Comprehensive Plan; and

WHEREAS, based upon the staff report, the proposed revisions to the Mason County Comprehensive Plan, and public testimony, the Mason County Board of Commissioners has approved the findings of fact to support its decision as ATTACHMENT A.

Ordinance No. 139-06 (continued)

NOW, THEREFORE, BE IT HEREBY ORDAINED, the Mason County Board of Commissioners hereby approves and ADOPTS the revisions amending the Mason County Comprehensive Plan and development standards, which include Comprehensive Plan Chapter III-7 Water Resources Policies, Chapter VI Capital Facilities Element, and the Future Land Use Map as shown in Chapter IV Land Use (decision to approve the change in designation request by the Shaw Family LLC); and the revised Mason County Parks and Recreation Comprehensive Plan, as described by ATTACHMENT B.


DATED this 27th day of December 2006.


**BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON**

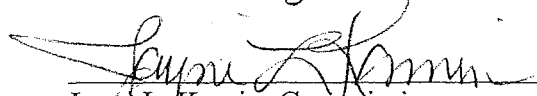
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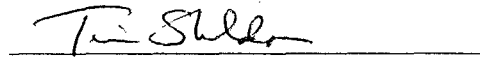

Clerk of the Board

APPROVED AS TO FORM:


Prosecuting Attorney


Lynda Ring Erickson, Chairperson


Jayni L. Kamin, Commissioner


Tim Sheldon, Commissioner

MASON COUNTY BOARD OF COMMISSIONERS

**AMENDMENTS TO THE MASON COUNTY COMPREHENSIVE PLAN
AND MASON COUNTY PARKS AND RECREATION COMPREHENSIVE PLAN**

December 27, 2006

COMPREHENSIVE PLAN CHAPTER III-7 WATER RESOURCES POLICIES.

FINDINGS OF FACT:

1. Under consideration is the revision of existing Water Quality and Quantity policies to prepare comprehensive plan policies that reflect state requirements on stormwater management and continual progress in water resource planning.
2. New policies are prepared as the first step to establishing a program of county-wide stormwater policies and facilities plans for the Belfair and Allyn Urban Growth Areas and the Hoodspout Rural Activity Center.
3. Proposed revisions have consolidated policies that were repeated previously in past land use plans, address comprehensive plan objectives not yet stated, and are organized into general and technical policies to improve understanding of the water resource planning and stormwater management objectives.
4. Based upon the careful evaluation and new organization of these policies, the Board of County Commissioners finds the proposed revision to Comprehensive Plan Chapter III-7 Water Resources Policies shall be adopted as part of the current Mason County Comprehensive Plan.

COMPREHENSIVE PLAN CHAPTER VI CAPITAL FACILITIES ELEMENT.

FINDINGS OF FACT:

1. Under consideration is the update of the Capital Facilities Element for 2006 stating the planned maintenance and improvements to publicly owned facilities over the six-year period 2007 to 2012; the element includes important policies that affirm the needs for these facilities and their on-going maintenance and/or improvements.
2. Listings of the extent of these facilities and their costs are prepared as the important step for establishing annual budgets for each year of the six-year period for the various county departments.

3. The proposed Public Works facilities improvements are included in this element and are separate from the maintenance and construction projects of the Transportation Program prepared by Public Works.
4. Based upon the contributions of the county departments in the preparation of the Capital Facilities Element, the Board of County Commissioners finds the proposed update to Comprehensive Plan Chapter VI Capital Facilities Element shall be adopted as part of the current Mason County Comprehensive Plan.

MASON COUNTY PARKS AND RECREATION COMPREHENSIVE PLAN.

FINDINGS OF FACT:

1. Under consideration is the preparation of the Mason County Parks and Recreation Comprehensive Plan that serves as a guideline for the management of existing and new parks and recreation facilities and a basis for funding opportunities to implement planned activities.
2. This comprehensive plan was prepared through the efforts and expertise of citizens, county department staff, and agency representatives, and the document presents the ways to serve the recreation needs of a growing rural county.
3. The comprehensive plan serves as a planning tool for parks and park-related activities and its adoption will aid Mason County in being eligible for funding opportunities to enact facility projects and purchasing of new sites for recreation activities.
4. Based upon the contributions of the public, citizen advisory committee, and county departments in the preparation of the Mason County Parks and Recreation Comprehensive Plan, the Board of County Commissioners finds the proposed updated Mason County Parks and Recreation Comprehensive Plan shall be adopted and be recognized as part of the current Mason County Comprehensive Plan.

REQUEST 06-08 - SHAW FAMILY LLC **REQUEST TO CHANGE THE RESOURCE LANDS DESIGNATION OF** **PARCEL NO. 61918-10-00000 (97.80 AC.) FROM LONG TERM** **COMMERCIAL FOREST LANDS TO INHOLDING LANDS**

FINDINGS OF FACT:

1. Under consideration is the request to change the Resource Lands designation of this property Parcel No. 61918-10-00000 (97.80 ac.) from Long Term Commercial Forest Lands to Inholding Lands.

2. To evaluate this request, Mason County would use the Mason County Development Regulations Sec. 1.05.080 that provide criteria and characteristics for consideration in rezoning parcels from an existing land use zone to another zone. Such request is reviewed through a public process in front of the Mason County Planning Advisory Commission and the Board of County Commissioners.

3. At the December 4, 2006 Mason County Planning Advisory Commission meeting, the Department of Community Development presented a staff report on the requested change in Resource Lands designation, and made a recommendation to approve this request. In their review, the Planning Advisory Commission members asked questions of staff and the applicant and then heard public comment on the proposal. Based upon the evaluation of the criteria, the Planning Advisory Commission adopted a motion with findings to recommend the approval of the request to change the Resource Lands designation of this property from Long Term Commercial Forest Lands to Inholding Lands.

4. At the December 19, 2006 Mason County Board of Commissioners public hearing, the Department of Community Development presented the staff report on the requested redesignation and the recommendations by the Planning Advisory Commission, and the Board of County Commissioners asked questions of staff and the applicant and heard public comments on the request to change the Resource Lands designation of this property Parcel No. 61918-10-00000 (97.80 ac.) from Long Term Commercial Forest Lands to Inholding Lands. Public comment focused on the development of new residences and the amount of new traffic generated, the need for new land for such development, and the proximity of other smaller residential lots and lands already designated as Inholdings Lands along Matlock-Brady Road.

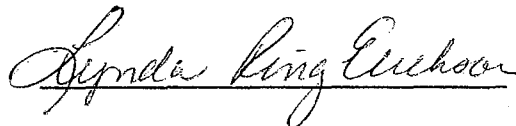
5. As provided in Mason County Development Regulations Section 1.05.079, the Mason County Board of Commissioners does find that the proposal is in conformity with the Comprehensive Plan. The subject parcel meets the Inholding Lands designation criteria, is adjacent to other residential zoned properties, and has direct access along the east side to county roads.

6. Comprehensive Plan policies RU 500a to 503 and RE 205 to 209 state that residential development should preserve rural character, be compatible with adjacent land uses, and minimize infrastructure needs; and permit reclassification of Long Term Commercial Lands to Inholding Lands with certain conditions about available services, intensity of nearby land uses, and growing conditions. The proposed redesignation lands would be nearby to other Inholding Lands and adjacent to existing pattern of residential development, and future development would not cause a marked increase of demand for services.

Based upon the evaluation of the review criteria, the Board of County Commissioners findings for this request to change the Resource Lands designation of this property Parcel No. 61918-10-00000 (97.80 ac.) from Long Term Commercial Forest Lands to Inholding Lands are:

- Criterion 1 (no damage to public health, safety and welfare) is met; available water supply will control the potential number of lots created.
- Criterion 2 (consistent Comprehensive Plan designation) is met; based upon the fact that many adjacent lands are already the Inholding Lands designation, the Inholding Lands is the most consistent designation.
- Criterion 3 (no increase of sprawling low-density rural development or uses incompatible to resource-based land uses) is met; low density sprawl from future land subdivision will not result.
- Criterion 4 (no increase of demand for urban services in rural areas) is met; no demand for urban level services in the Rural Area will result.
- Criterion 5 (does not interfere with GMA goal to encourage development in urban areas) is met; no change in development in urban areas will result.
- Criterion 6 (does not interfere with GMA goal to encourage open space retention, conserve fish and wildlife habitat, and protect air and water quality) is met; county development standards through Resource Ordinance will protect any critical areas on the subject property.
- Criterion 7 (no pressure to change land use designations of other lands or to cause greater than projected population increases in rural areas) is met; additional changes to land designations will not occur, as these lands are already Inholding Lands.
- Criterion 8 (corrective rezone of lands) is not applicable to this request.

From the preceding findings that the request meets all rezone criteria above, the Mason County Board of Commissioners approves the request to change the Resource Lands designation of this property Parcel No. 61918-10-00000 (97.80 ac.) from Long Term Commercial Forest Lands to Inholding Lands.



Chair, Mason County Board of Commissioners Date